

SAYS PROHIBITION CUTS POLICE POWER

Argument of Rhode Island and Massachusetts Based on State Rights.

BIG PRINCIPLE INVOLVED

Solicitor-General Asserts That Amendment Gave Power to Act With the States.

WASHINGTON, March 9.—Presentation of arguments in cases from Rhode Island and Massachusetts attacking the validity of the prohibition amendment to the Constitution were finished to-day in the Supreme Court. The case from Kentucky will be disposed of to-morrow, after which the question will be left for decision.

Counsel for those attacking the amendment continued to argue that it was revolutionary and an invasion of State rights.

"You are now coming to a fork in the road, one leading to the power of amendment and the other back to the Constitution," Mr. Mayer of Chicago told the Court, in opening for the Kentucky complainants. "The very proposition is staggering. There is no difference if we discuss whiskey, tobacco or cotton. I rise above the question that this deal with whiskey and dwell on the principle involved—Can this Constitution be uprooted?"

"The question is more than prohibition. Police power is synonymous with the sovereignty of the State. Remove the police power and no State will exist."

Mr. Mayer denied that the amendment had been ratified properly in view of referendum provisions in numerous State constitutions requiring such proposals to be submitted to the voters.

These contentions were denied by Solicitor-General King and Assistant Attorney-General Frisvold, who argued the amendment was properly adopted by Congress and had been ratified by three-fourths of the States. The Solicitor-General also said the amendment did not interfere with the functions of the States, but gave the Federal Government power to act with the States in enforcing prohibition and to assist dry States in enforcing prohibition laws.

U. S. JUDGE UPHOLDS DRY AMENDMENT

Feigenspan, Newark Brewer, Loses His Suit.

TRENTON, N. J., March 9.—Federal Judge Reistab, ruling on an application of Christian Feigenspan, the Newark brewer, to stay enforcement, upheld to-day the constitutionality of the Volstead act and the prohibition amendment.

The court rendered a thirty-five page decision, which covered most of the leading arguments that have been used in the attack on the dry statutes, and permitted the defendants' counsel to have the bill of complaint dismissed. On the enforcement power Judge Reistab said:

"What Congress has the power to do in exercising an implied power it assuredly may do in the carrying out of an express power. The alleged loss to the plaintiff which it is said will necessarily result from an enforcement of the national prohibition act is incidental, and it alone determines whether compensation shall be made for such loss."

On the alleged unconstitutionality of

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The habit of saving grows with practice, and a sound investment for your savings helps the growth.

If you purchase our First Mortgage Certificates the safety of your money is absolutely guaranteed and you will receive a good rate of interest.

You can invest your money from three to five years.

We have guaranteed \$725,000,000 in the past 28 years and no investor has ever lost a dollar.

BOND & MORTGAGE GUARANTEE CO.

Capital and Surplus, \$11,000,000
176 Broadway, New York
175 Nassau St., 156 Montague St., Bklyn
250 Fulton St., Jamaica
67 Jackson Ave., Long Island City

The manner in which the amendment has been adopted, Judge Reistab said, two-thirds of the States had ratified the amendment before the amendment was proposed, and that the contention of many States that referendum was necessary for ratification was unavailing, as the convention called when the Federal Constitution was drawn ratified the document on behalf of the original thirteen States without referendum. Judge Reistab held that this delegating of authority to representatives is a fundamental principle of the Constitution, and that the people have never taken to themselves the power of amendment.

27 SMOKERS ARRESTED.

Two Employers Also Taken for Breaking Fire Laws.

Sudden activity on the part of fire prevention inspectors led to the arrest yesterday of twenty-seven factory employees and two manufacturers for fire law violations. The employees were fined \$20 each for carrying lighted cigarettes or smoking in the buildings, but only fifteen were able to pay the fine. The others were sentenced to one day in jail.

Joseph de Matheis, 57 West Twenty-fifth street, and Ray Novosky, 114 West Twenty-sixth street, manufacturers, were fined \$50 each for locking exit doors of their factories. The cases were heard before Magistrate Brough in Municipal Term Court.

ABANDON CONCRETE TUNNEL.

The New York State Bridge and Tunnel Commission adopted yesterday a resolution to cause all further consideration of the Goethals concrete block type of tunnel as the sort of tube that should connect Jersey City and Manhattan, and decided to inform the board of consulting engineers, who already have endorsed the Holland tunnel.

The New Jersey Interstate Bridge and Tunnel Commission is expected to duplicate this effort of the New York body to concentrate future activities on getting bids and clearing minor obstacles to the realization of the vehicular passages under the Hudson.

Passes Agriculture Appropriation.
WASHINGTON, March 9.—Appropriations of approximately \$11,972,000 for the Agriculture Department for the next fiscal year were reported to-day by the Senate Agriculture Committee. The committee added \$1,722,000 to the amount carried by the bill as passed by the House.

PLAN REFERENDUM ON BEER AND WINE

Continued from First Page.

Checks given by Mr. Rockefeller would be offered in evidence, it was stated, and he would be called as a witness. The contribution amount to \$15,000 in the latest years, and to much more in other years, it was stated.

According to one report given out to-day by those who are opposed to the investigation of the league, the evidence so far gathered has been presented to competent authorities who have held that it is of little value. This report was denied emphatically by representatives of the committee, who stated that no attempt to formulate evidence has been made as yet, and that none of the information gathered has been presented to counsel.

It is stated that the inquiry will pay special attention to the activities of the Anti-Saloon League in connection with the Street-Anderson fight of 1914. Mr. Cuyler made public several letters he has received commending the Assembly for its stand. He said he had arranged for a talk to-morrow with a United States secret service agent, who is prepared to give the committee information regarding certain of Mr. Anderson's activities in Brooklyn. G. W. Walker, cartoonist, wrote to the committee that he had resigned from a position with the International Cartoon Company because he "could not stand for the Anti-Saloon League method of doing business and still retain a clear conscience," and adding he could give the committee "some valuable information."

JOHN D. JR.'S DRY GIFTS NO SECRET

Helped Anti-Saloon League Annually, It Is Said.

A representative of John D. Rockefeller, Jr., said yesterday there was nothing secret about the fact that Mr. Rockefeller has been a contributor to the Anti-Saloon League.

"Mr. Rockefeller," he said, "for a number of years has made an annual contribution to the work of the Anti-Saloon League, but he has made no contribution to any individual or paid the salary of anybody."

William H. Anderson, State superintendent of the Anti-Saloon League, is

SEPTEMBER

by FRANK SWINNERTON

Marian Forster had the ripened dangerous beauty of the mature woman. Cherry Tamm was only a girl, but strangely sophisticated, fascinating. The conflict in love of these two strongly contrasted personalities is the story with which the author of Nocturne grips you and holds you in his greatest book.

This book is recommended by and may be rented from **WOMRATH'S LIBRARY**, 15 East 24th Street, New York City.

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used yesterday a reply to the letter written by Archbishop Hayes on Monday describing him as "a sower of strife and a brewer of bigotry."

"It, as charged by the Catholic Archbishop of New York, it makes me a sower of strife, a sower of bigotry, and a brewer of bigotry to state the truth about some leaders of the Catholic Church with respect to enforcement of the prohibition amendment, then, by the inherent force of his own statement, so much the worse for these leaders."

"Not even the Archbishop of New York can obscure an issue by talking about something else. I did not say the Catholic Church is affiliated with any political organization, nor did I say the church is in conspiracy to contravene directly or indirectly the law of the land. There is a great difference between the Catholic Church and some Catholics. What I did say was that most of the officers of the Roman Catholic Church in this country are in sympathy with the Tammany efforts to destroy the prohibition victory. Which is a very different matter."

The Archbishop can refute the Anti-Saloon League's statement on this point in one way only—if he will declare that he is opposed to and believes that Catholicism as law abiding citizens should oppose.

JEFFERSON DINNER SPEAKERS

President Wilson Among Those Invited by Democrats.

Arrangements for the National Democratic Club's celebration of the 17th birthday anniversary of Thomas Jefferson, which will be held April 10 at the Hotel Astor, were announced yesterday by Deputy Police Commissioner Frederick A. Wallis, chairman of the dinner committee.

Among those who have been invited to speak are President Wilson, Vice

President Marshall, Attorney-General A. Mitchell Palmer, Senator Gilbert M. Hitchcock, Gov. Alfred E. Smith of New York, Gov. William G. Cox of Ohio, William G. McAdoo, former Secretary of the Treasury, and James W. Gerard, former Ambassador to Germany.

"Any attempt to change the Federal enforcement law until prohibition has had a fair test."

"Any attempt to nullify national prohibition by a beer bill in New York State."

"Then the league will make due amends. And all the more gladly because of the tremendous impetus such a declaration will give to genuine enforcement in New York."

AMUSEMENTS

THEATRES AND HITS, DIRECTION OF LEE AND J. J. SHUBERT.

LYRIC 424 W. of B'way, Eves. 8:30. Walter Hampden in "GEORGE WASHINGTON."

Little Theatre 54 W. of B'way, Eves. 8:30. "Beyond the Horizon" by Eugene O'Neill.

PLAYHOUSE 45th St. Eves. 8:30. "The Sign of the Cross" by J. M. Barrie.

ELTING 42nd St. Eves. 8:30. "The Sign of the Cross" by J. M. Barrie.

FLORENCE MOORE in "BREAKFAST IN BED."

BIJOU 45th St. Eves. 8:30. "The Sign of the Cross" by J. M. Barrie.

BARNEY BERNARD in "THE SIGN OF THE CROSS."

REPUBLIC 45th St. Eves. 8:30. "The Sign of the Cross" by J. M. Barrie.

THE SIGN OF THE CROSS by J. M. Barrie.

MOROSCO 45th St. Eves. 8:30. "The Sign of the Cross" by J. M. Barrie.

ELSIE in "THE SIGN OF THE CROSS."

Ferguson in "THE SIGN OF THE CROSS."

BROADHURST 44th St. Eves. 8:30. "The Sign of the Cross" by J. M. Barrie.

Jane Cowl in "THE SIGN OF THE CROSS."

BELOUNT 45th St. Eves. 8:30. "The Sign of the Cross" by J. M. Barrie.

Nance O'Neil in "THE SIGN OF THE CROSS."

Nora Bayes in "THE SIGN OF THE CROSS."

LEAF YOUNG in "THE SIGN OF THE CROSS."

VICTOR HERBERTS in "THE SIGN OF THE CROSS."

"MY GOLDEN GIRL" by Victor Herbert.

100th PERFORMING NIGHT. MR. HERBERT will personally conduct orchestra.

MAMMA'S AFFAIR by Victor Herbert.

THEATRE NEXT MON. NIGHT. NOW A. H. WOODS PRESENTS.

THE BLUE FLAME by Victor Herbert.

NEW YORK'S LEADING THEATRES AND SUCCESSES

EMPIRE 45th St. Eves. 8:30. "The Sign of the Cross" by J. M. Barrie.

ETHEL in "THE SIGN OF THE CROSS."

BARRYMORE in "THE SIGN OF THE CROSS."

COHAN in "THE SIGN OF THE CROSS."

COLLIER in "THE SIGN OF THE CROSS."

CRITERION in "THE SIGN OF THE CROSS."

BARRYMORE in "THE SIGN OF THE CROSS."

LIONEL in "THE SIGN OF THE CROSS."

LIBERTY THEATRE in "THE SIGN OF THE CROSS."

"THE NIGHT BOAT" by Anne Caldwell.

DAVID HILL in "THE SIGN OF THE CROSS."

EMILY STEVENS in "THE SIGN OF THE CROSS."

LYCEUM in "THE SIGN OF THE CROSS."

HUDSON in "THE SIGN OF THE CROSS."

CLARENCE in "THE SIGN OF THE CROSS."

PUNCH and JUDY in "THE SIGN OF THE CROSS."

MUSK BLANCHE YUKA in "THE SIGN OF THE CROSS."

STANDARD in "THE SIGN OF THE CROSS."

TWIN BEDS in "THE SIGN OF THE CROSS."

Kennedy

Clearance of High Grade Fancy Vests

\$3.85

Good selection of neat figures

Stripes & Plain colors.

Values to \$8.00

\$2.50 Negligee Shirts, \$1.85

\$3.50 Negligee Shirts, \$2.65

ALL NEAT PATTERNS.

71st Regiment Armory

34th STREET and PARK AVENUE

Opens 10.30 A. M. Closes 10.30 P. M.

LEARN of all the developments

in aircraft, engines, auxiliary

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since flying became a peace time

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Come and Bring

Your Children

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ONLY 4 DAYS MORE

MANUFACTURERS' AIRCRAFT ASSOCIATION, Inc.

BALL of the FINE ARTS

A Pageant of Ancient France

Hotel Astor to-morrow Eve. at 10

NOTICE: The Committee, unable

to reach by personal invitation all of

the Public interested in Art, desires to

announce that tickets to the Ball may be

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SOCIETY OF BEAUX ARTS ARCHITECTS,

121 E. 13 St., Hotel Astor and Hotel Ritz

TICKETS \$10. Fancy Costume Obligatory.

Palace

RYAN in "THE SIGN OF THE CROSS."

ALL STAR BILL

10-BIG ACTS—10

Curtain 2 and 8 Sharp.

LOEW'S New York Theatre & Roof

Cont. 11 A. M. to 11 P. M. Roof 10 A. M.

OWEN MOORE, "Society of Beaux Arts"

Loew's American Roof Every Eve. at 8:15

Jack Ross, Artistic "Decorators," All Seats

10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th

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LEARN of all the developments in aircraft, engines, auxiliary inventions and accessories since flying became a peace time commercial pursuit.

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